



Austin City Council MINUTES

REGULAR MEETING
THURSDAY
FEBRUARY 25, 1999

Mayor Watson called the meeting to order, noting the presence of all Council Members.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive Session was held at 12:20 p.m.

The City Council announced it would go into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel to discuss of land acquisition, litigation, and personnel matters as specifically listed on this agenda. Also, the City Council may receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney - Section 551.071

96. Discuss legal issues regarding the Sand Beach Reserve
97. Discuss *Kirk Anderson, Trustee v. City of Austin*, Cause No. 98-11862, in the 201st Judicial District Court of Travis County, Texas. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
98. Discuss legal issues relating to Austin's NPDES and TNRCC permits.
99. Discuss state and federal law applicable to municipal sign regulation.
100. Discuss *Ethel Spiller, et al. v. Robert M. Walker, et al.*, Cause No. A 98 CA 255 SS, in the United States District Court for the Western District of Texas. (This litigation involves plaintiffs' request for an environmental study of the Longhorn Pipeline Project)

101. Discuss FM Properties Operating Co. v. City of Austin, Cause No. 98-0685, in the Supreme Court of Texas. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
102. Discuss *South Cross Plaza v. City of Austin*, Cause No. 94-06387, in the Travis County District Court. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
103. Discuss *Irene H. Sandahl, et al. v. City of Austin and Oak Cliff Financial Corporation, Inc.*, Cause No. 98-13530, Travis County District Court. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
104. Discuss *James Chrisman Phillips, et al. v. City of Austin, Texas*, Cause No. 98-13949, Travis County District Court. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
105. Discuss legal issues concerning proposed legislation in the 76th Legislature

Real Property – Section 551.072

106. Discuss negotiations concerning the acquisition and leasing of property in the vicinity of City Hall Annex.
107. Discuss possible acquisition of property in the downtown area of Austin.
108. Approve execution of an amendment to the contract with The Holford Group to increase the contract amount by \$50,000, for a total contract amount not to exceed \$85,000, for expert witness services in *South Cross Plaza v. City of Austin*, Cause No. 94-06387, in the Travis County District Court. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
No action was taken at this meeting because it was not discussed.

Executive session ended at 1:30 p.m.

LIVE MUSIC: Mystery Date

INVOCATION: Pastor Dea Eggleston, Asbury United Methodist Church

THE CITY COUNCIL OF AUSTIN, TEXAS, CONVENED IN A REGULAR MEETING AT 1:30 P.M. ON THURSDAY, FEBRUARY 25, 1999, IN THE CITY COUNCIL CHAMBERS, 307 WEST SECOND STREET, FOR THE FOLLOWING PURPOSES:

1. Approval of Minutes for Regular Meetings of February 10 & 11, 1999
Approved on Mayor Pro Tem Goodman's motion, Council Member Griffith's second by a 7-0 vote.

CITIZEN COMMUNICATIONS: GENERAL

2. Eric Lofgrew – Discuss Homeless Issues
3. Robert L. Thomas – Discuss Employment and Termination at the Rosewood Recreation Center

4. Frank Berlanger – Discuss Barton Springs Pool/Habitat Decimation Plan
Absent
5. Gus Pena – Discuss City Health Clinics and City Issues
6. Richard Knowlton – Discuss Public Safety/Firefighter Issues
Absent
7. Richard Troxell – Discuss Austin's Homeless Citizens
8. Charles T. Waits, Jr. – Discuss Saving the Planet
Absent
9. Scott Johnson – Discuss Health Issues relating to equipment use by City of Austin Employees
10. Susan Morre – Discuss Balfour PUD
11. Jennifer L. Gale – Discuss the Internal Affairs Division and Other Topics

CONSENT AGENDA

ALL OF THE FOLLOWING ITEMS WERE ACTED ON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION OCCURRED ON ANY OF THE ITEMS. THE FOLLOWING CONSENT ITEMS WERE APPROVED ON COUNCIL MEMBER SPELMAN'S MOTION, COUNCIL MEMBER GRIFFITH'S SECOND BY A 7-0 VOTE.

12. Approve an ordinance calling for an Election to be held in the City of Austin on May 1, 1999 for three council places. (Funding in the amount \$360,625 was included in the 1998-99 Operating Budget of the Office of the City Clerk.)
Ordinance No. 990225-12 approved
13. Approve a resolution authorizing negotiation and execution of an amendment to the March 22, 1996 contract with the AUSTIN REVITALIZATION AUTHORITY to extend the term of the contract until March 30, 2000 to approve an increase in the amount of the contract not to exceed \$275,000 for a total contract amount not to exceed \$1,200,000 to the ARA for operating expenses to continue the implementation of the East 11th and 12th Street Redevelopment Program. (Funding in the amount of \$275,000 is included in the 1998-99 Neighborhood Housing and Community Development Office (NHCDO), 24th Year Community Development Block Grant (CDBG), East 11th and 12th Street Revitalization Project.)
Resolution No. 990225-13 approved
14. Approve a resolution authorizing a grant to the Austin Redevelopment Corporation (ARC) for the rehabilitation and operation of the Monarch Apartments located at 2425 Elmont Avenue in an amount not to exceed \$500,000. (Funding in the amount of \$300,000 in HOME grant match dollars is available in NHCD's FY 1998-99 General Fund and \$200,000 is available in FY 97-98, 23rd Year Community Development Block Grant (CDBG) Program.)
Resolution No. 990225-14 approved
15. Amend ordinance 980915-B, the 1998-99 Capital Budget for the Austin Fire Department by transferring and appropriating \$375,082 from the completed Burleson/Drossett, Harris Branch, and Ralph Albanedo Fire Stations, and \$699,918 from the 1999 CIP Contingency Project to the Fire Station #37-Hwy. 71/Fletcher (Oak Hill) project account, for a total additional appropriation of

\$1,075,000 and a total amended appropriation of \$3,070,000. (Funding in the amount of \$375,082 is available from completed projects from the 1992 GO Bond Proposition 2 projects and \$699,918 is available from the 1998-99 CIP Contingency Account.) [Recommended by Planning Commission]

Pulled by the City Manager

16. Approve a resolution authorizing execution of a construction contract with O'NEAL CONSTRUCTION OF TEXAS, INC., Austin, Texas, for construction of the Oak Hill Fire Station located at 8700 Highway 71, in the amount of \$1,861,400. (Funding is available in the 1998-99 Amended Capital Budget of the Austin Fire Department.) Low bid of two. 6.34% MBE, 1.05% WBE Subcontracting participation. **Postponed to March 4, 1999**

Item 17 was pulled for discussion.

18. Approve a resolution authorizing execution of a construction contract with MICHAEL S. HEYL CONSTRUCTION, INC. (MBE/MH), Leander, Texas, for construction of a waterline on Johnny Morris Road from Daffin Gin Park Section 2 to Breezy Hill Lane, in the amount of \$477,587.60. (Funding is available in the 1995-96 Capital Budget of the Water and Wastewater Utility.) Low bid of six. 34.26 % MBE/MH Prime; 3.5% MBE, 7.77% WBE Subcontracting participation. [Recommended by Water and Wastewater Commission]
Resolution No. 990225-18 approved

Item 19 was pulled for discussion.

20. Approve a resolution authorizing execution of Change Order #2 to the construction contract with CHEROKEE CONSTRUCTION, INC. (MBE/MN), Austin, Texas, for additional work required to mitigate karst features encountered by the construction of the Balcones Lift Station Wastewater Relief Main, Phase I and IIIA, increasing the contract in the amount of \$68,709.87 for a total contract amount of \$959,840.12. (Funding in the amount of \$68,709.87 is available in the 1991-92 and 1993-94 Capital Budget of Water and Wastewater Utility.) 0% MBE, 0.98% WBE Subcontracting participation. (Recommended by Water and Wastewater Commission)
Resolution No. 990225-20 approved

21. Approve a resolution authorizing negotiation and execution of an amendment to the professional services agreement with BARNES ARCHITECTS, Austin, Texas, for Phase II (design) and Phase III (construction management) services for completion of the Water and Wastewater Utility's Joint Use North Service Center, located at 10414 McKalla Place, in an amount not to exceed \$1,500,000 for a total agreement amount not to exceed \$1,587,729. (Funding in the amount of \$1,500,000 was included in the 1998-99 Amended Capital Budget of the Water and Wastewater Utility.) 20% MBE, 22% WBE Subconsultant participation. (Recommended by Water and Wastewater Commission)
Resolution No. 990225-21 approved

22. Set a public hearing to discuss changing the street name of Huntsville Drive to Riata Vista Circle (from the southeastern intersection of Huntsville Drive and Parmer Lane looping westerly to the northwestern intersection of Huntsville Drive and Parmer Lane). [Suggested Date and Time: March 25, 1999 at 6:30 p.m.]
Resolution No. 990225-22 approved
23. Adopt an ordinance annexing the following area for full purposes: C7a-99-001 Keesee Tract (88 acres located on the east side of IH-35 at the intersection of IH-35 and the Slaughter Creek Overpass) [Area covered by agricultural exemption]
Ordinance No. 990225-23 approved
24. Approve a resolution authorizing execution of a four month contract with up to two additional four month extension options with COMMERCIAL METALS AUSTIN, INC., Austin, Texas for the sale of recyclable metal cans (aluminum, tin/steel) collected by the City's residential curbside recycling collection program in the estimated amount of \$122,600 and approximately \$122,600 for each extension period. (This item will generate estimated revenues of \$122,600 credited to the Solid Wastes Services Fund. High bid of three. No W/MBE Subcontracting participation.
Resolution No. 990225-24 approved
25. Approve a resolution authorizing the City Manager to apply for a U.S. EPA Brownfields Cleanup Revolving Loan Demonstration Pilot grant in an amount not to exceed \$500,000.
(Reviewed by Solid Waste Advisory Commission)
Resolution No. 990225-25 approved

Item 26 pulled for discussion.

27. Approve a resolution authorizing execution of a twelve month service agreement with HARMON AUTOGLASS, Austin, Texas for automotive glass repair and replacement services in an amount not to exceed \$55,000 with two twelve-month extension options in an amount not to exceed \$55,000 per extension for a total contract amount not to exceed \$165,000. (Funding in the amount of \$32,083 was included in the 1998-99 Operating Budgets of various City departments. Funding for the remaining five months of the original contract period and the extension options will be contingent upon available funding in future budgets.) Low bid of four. No W/MBE Subcontracting participation.
Resolution No. 990225-27 approved
28. Approve a resolution authorizing amendment #1 of a service agreement with PADGETT, STRATEMANN & CO., L.L.P., Austin, Texas, to provide additional auditing services in an amount not to exceed \$18,200 for a total contract amount not to exceed \$50,200. (Funding in the amount of \$18,200 is available in the 1998-99 Special Revenue Fund of the Neighborhood Housing and Community Development Office.)
Resolution No. 990225-28 approved
29. Approve a resolution authorizing execution of a twelve month supply agreement with HOLT COMPANY OF TEXAS, San Antonio, Texas, to provide generator maintenance services in an amount not to exceed \$107,655 with two twelve-month extension options in amounts not to exceed \$80,335 and \$81,215 respectively per extension, for a total contract amount not to exceed \$269,205. (Funding in the amount of \$11,373 was included in the 1998-99 Operating Budget of the Building

Services Division of the Finance and Administrative Services Department. \$4,067 was included in the 1998-99 Operating Budget of the Fleet Maintenance Division of the Finance and Administrative Services Department. \$5,613 was included in the 1998-99 Operating Budget of the Fleet Radio Division of the Finance and Administrative Services Department. \$18,043 was included in the 1998-99 Operating Budget of the Water and Wastewater Utility. \$18,483 was included in the 1998-99 Operating Budget of the Fire Department. \$10,493 was included in the 1998-99 Operating Budget of Electric Utility Department. Funding for the remaining four months of the original contract period and extension options will be contingent upon available funding in future budgets.) Low bid of three. No M/WBE Subcontracting participation.
Resolution No. 990225-29 approved

Items 30 and 31 were pulled for discussion.

32. Approve a resolution authorizing execution of a twelve month supply agreement with P & H TUBE CORP., Houston, Texas, for the purchase of traffic sign posts in an amount not to exceed \$45,511, with two twelve-month extension options in an amount not to exceed \$45,511 per extension for a total contract amount not to exceed \$136,533. (Funding in the amount of \$26,548 was included in the 1998-99 Operating Budget of the Department of Public Works and Transportation. Funding for the remaining five months of the original contract period and extension options will be contingent upon available funding in future budgets.) Sole bidder. No W/MBE Subcontracting participation.
Resolution No. 990225-32 approved
33. Approve a resolution authorizing negotiation and execution of a five year lease with TWO COMMODORE INC., Austin, Texas, for 106,965 square feet of office space in Two Commodore Plaza located at 206 E. 9th Street, in an amount not to exceed \$11,423,862. (Funding in the amount of \$187,189 was included in the 1998-99 Operating Budgets of various City departments. Funding for the remaining fifty-nine months of the original contract is contingent upon available funding in future budgets.)
Resolution No. 990225-33 approved
34. Amend Ordinance 980915-B, the 1998-99 Capital Budget of the Public Works and Transportation Department by creating a new project entitled Shoal Creek Hike and Bike Trail, and appropriating \$183,040 in Federal Intermodal Surface Transportation Efficiency Act grant funding for the project. (Funding is available in Federal Intermodal Surface Transportation Efficiency Act (ISTEA) grant funding approved by the Austin Transportation Study (ATS) and administered by the Texas Department of Transportation (TxDOT).)
Ordinance No. 990225-34 approved
35. Approve a resolution authorizing acceptance and execution of a contract with TEXAS DEPARTMENT OF TRANSPORTATION for construction of a trail extension at the north end of the Shoal Creek hike and bike trail, utilizing a Federal Intermodal Surface Transportation Efficiency Act (ISTEA) grant for projects approved by the Austin Transportation Study (ATS) Policy Advisory Committee, in the amount of \$228,800. (Funding was included in the 1996-97 and 1998-99 Amended Capital Budgets of the Department of Public Works and Transportation.)
Resolution No. 990225-35 approved

36. Approve a resolution authorizing the negotiation and execution of a twelve month interlocal agreement for the provision of child care quality improvement services with AUSTIN COMMUNITY COLLEGE, CHILD DEVELOPMENT DEPARTMENT, Austin, Texas, in an amount not to exceed \$70,000; with two twelve-month extension options in amounts not to exceed \$70,000, per extension for total contract amount not to exceed \$210,000. (Funding was included through the 24th year (1998-1999) Community Development Block Grant Special Revenue Fund.)
Resolution No. 990225-36 approved
37. Approve a resolution authorizing execution of an amendment to the contract with AIDS Services of Austin for additional dental care and food bank services for persons with HIV, and for office/service delivery equipment, in an amount not to exceed \$47,398, for a total contract amount of \$1,108,193. (Funding is available in the Health and Human Services Department Special Revenue Fund Ryan White Title I HIV Emergency Care grant program. The grant period is March 1, 1998 to February 28, 1999. A grant match is not required.)
Resolution No. 990225-37 approved
38. Approve a resolution authorizing negotiation and execution of twelve-month contracts with two agencies for HIV services under the Ryan White Title III Early Intervention grant: AIDS SERVICES OF AUSTIN in an amount not to exceed \$99,531; and Community Action, Inc. in an amount not to exceed \$65,627. (Funding is available in the Health and Human Services Department Special Revenue Fund Ryan White Title III Early Intervention grant program. The grant period is January 1, 1999 through December 31, 1999. The contract performance period is January 1, 1999 through December 31, 1999.)
Resolution No. 990225-38 approved

Items 39 through 42 pulled for discussion.

43. Approve a resolution establishing a pilot program for the use of dispute resolution for land use issues. (Funding in the amount of \$15,000 is included in the Strategic Planning Investment Fund (SPIF).
Resolution No. 990225-43 approved
44. C814-98-0001 – Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code zoning property locally known as South MoPac Expressway and William Cannon Drive, from “SF-2”, Single Family Residence (Standard Lot), “GR-CO” Community Commercial-Conditional Overlay and “CS” General Commercial Services to “PUD” Planned Unit Development, the PUD proposal affects property in the Barton Springs Zone and proposes to modify the application of Chapter 13-7, Article I, Division 5 (Save Our Springs Initiative) to the property. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first reading. First reading on November 19, 1998; Vote: 7-0. Applicant: T.U. Bryant (Catherine Brownlee); Agent: Minter, Joseph & Thornhill (John M. Joseph). City Staff: Joe Arriaga, 499-2308. (continued from 1-21-99)
Postponed to April 1, 1999 at the request of the Council. Applicant is in agreement.
45. C14-98-0115 – Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 400' south of Bintliff Dr. and Spicewood Springs Road intersection from "DR" Development Reserve to "P", Public District zoning. Conditions met as follows: No conditions were imposed by Council on first reading. First reading on December 3, 1998; Vote 6-

0, Lewis absent. Applicant: City of Austin Agent: Development Review and Inspection Department
City Staff: David Wahlgren, 499-6455.
Ordinance No. 990225-45 approved

46. C14-98-0116 – Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 200' east of the Spicewood Mesa and Kabar Trail intersection from "RR" Rural Residence to "P", Public District zoning. Conditions met as follows: No conditions were imposed by Council on first reading. First reading on December 3, 1998; Vote 6-0, Lewis absent. Applicant: City of Austin Agent: Development Review and Inspection Department. City Staff: David Wahlgren, 499-6455.
Ordinance No. 990225-46 approved
47. C14-98-0117 – Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as the terminus of Spicewood Mesa from "DR" Development Reserve to "P", Public District zoning. Conditions met as follows: No conditions were imposed by Council on first reading. First reading on December 3, 1998; Vote 6-0, Lewis absent. Applicant: City of Austin Agent: Development Review and Inspection Department. City Staff: David Wahlgren, 499-6455.
Ordinance No. 990225-47 approved
48. C14-98-0118 – Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 400' south of Bintliff Dr. and Spicewood Springs Road intersection from "DR" Development Reserve to "P", Public District zoning. Conditions met as follows: No conditions were imposed by Council on first reading. First reading on December 3, 1998; Vote 6-0, Lewis absent. Applicant: City of Austin Agent: Development Review and Inspection Department. City Staff: David Wahlgren, 499-6455.
Ordinance No. 990225-48 approved

Item 49 was pulled for discussion.

50. C14-98-0139 – Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code zoning property locally known as 9600 to 9610 Manchaca Road and 2000 to 2020 Monarch Drive from "SF-2" Single Family Residence (Standard Lot) to "LR-CO" Neighborhood Commercial-Conditional Overlay district zoning with conditions. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first reading. First reading on January 7, 1999; Vote 7-0. Applicant: Jan Felder Currier, Agent: Howell Co. (W.B. Howell). City Staff: Joe Arriaga, 499-2308.
Ordinance No. 990225-50 approved
51. C14-98-0141 – Approve second/third reading of an ordinance amending Chapter 13-2 of the Austin City Code zoning property locally known as 9700 Manchaca Road from "I-RR" Interim-Rural Residence district to "W/LO" Warehouse-Limited Office district zoning with conditions. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first reading. First reading on January 7, 1999; Vote 6-0, Lewis absent. Applicant: 9700 Manchaca Road Ltd., Agent: Jim Bennett. City Staff: Joe Arriaga, 499-2308.
Ordinance No. 990225-51 approved

52. C14-98-0152– Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code zoning property locally known as 13200 Pond Springs Road from "I-RR" Interim Rural Residence to "CS-CO", General Commercial Services zoning with conditions. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first reading. First reading on December 10, 1998; Vote 7-0. Applicant: Routh-Knap (Todd Routh) Agent: Duprie and Assoc. (Stephanie Duprie). City Staff: David Wahlgren, 499-6455.
Ordinance No. 990225-52 approved
53. C14-98-0165 – Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 7000-7009 East Ben White Blvd. from "SF-2" Single Family Residence (Standard Lot) district and "SF-3" Family Residence district to "CS-CO" General Commercial Services-Conditional Overlay district zoning with conditions. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first reading. First reading on January 14, 1999;Vote 7-0. Applicant: Southeast Austin Association, Agent: Richard Mathias. City Staff: Susan Villarreal, 499-6319.
Ordinance No. 990225-53 approved
54. C14-98-0190 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 1218-1300 East Live Oak, from LO, Limited Office and GO, General Office to SF-4A, Single Family Residence (Small Lot). Conditions met as follows: No conditions were imposed by Council on first reading. First reading on January 14, 1999; Vote 7-0. Applicant: City of Austin Development Review and Inspection; Agent/City Staff: Susan Villarreal, 499-6319.
Ordinance No. 990225-54 approved

Item 55 pulled for discussion.

56. C14R-85-041 – Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 8965 Research Boulevard from "LI-PDA", Limited Industrial Services-Planned Development Area district to "LI-CO", Limited Industrial Services-Conditional Overlay district zoning with conditions, and delete a portion (Lot 1) of a condition of zoning site plan." Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first reading. First reading on February 4, 1999; Vote: 7-0. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council on first reading. Applicant: Goodwill Industries (Jay Arnold); Agent: Cook-Steinmann (Andy Linseisen). City Staff: Don Perryman, 499-2786.
Ordinance No. 990225-56 approved

Item 57 pulled for discussion.

58. Approve a resolution authorizing fee simple acquisition of Lot 12, Block D, Creek Bend Section 2, locally known as 4720 Teewood Drive, Austin, Texas, from SHAWN AND MARION E. STAUCH for the Second Phase of the Creek Bend Flood Control Project, in the amount of \$62,000 plus \$27,000 in relocation benefits, for a total amount not to exceed \$89,000. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection Utility.)
Resolution No. 990225-58 approved

59. Approve a resolution authorizing fee simple acquisition of Lot 27, Block B, Creek Bend Section 1, locally known as 4805 Creek Bend Drive, Austin, Texas, from WATER MEADOW, INC. for the Second Phase of the Creek Bend Flood Control Project, in the amount of \$57,000 plus \$10,000 in relocation benefits, for a total amount not to exceed \$67,000. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection Utility.)

Resolution No. 990225-59 approved

60. Approve a resolution authorizing fee simple acquisition of Lot 11, Block D, Creek Bend Section 2, locally known as 4722 Teewood Drive, Austin, Texas, from IGNACIO AND CLAUDIO REYES for the Second Phase of the Creek Bend Flood Control Project, in the amount of \$63,000 plus \$27,000 in relocation benefits, for a total amount not to exceed \$90,000. (Funding is included in the 1998-99 Amended Capital Budget of the Watershed Protection Utility.)

Resolution No. 990225-60 approved

Items 61 through 64 pulled for discussion.

65. Approve a resolution supporting the Texas Recreation and Park Society Legislative priorities. (Councilmember Gus Garcia and Councilmember Beverly Griffith)

Resolution No. 990225-65 approved

66. Approve a resolution authorizing the City Manager to begin negotiations with the Economic Development Administration (EDA) for funding to conduct a feasibility study for a Mercado project. (Councilmember Gus Garcia, Mayor Kirk Watson and Mayor Pro Tem Jackie Goodman)

Resolution No. 990225-66 approved

Item 67 pulled for discussion.

68. Direct the City Manager to negotiate a multi-year agreement with the Austin Museum of Art Guild to bring their annual event, 'Fiesta' downtown to the vicinity of Republic Square Park. (Councilmember Gus Garcia, Mayor Kirk Watson and Councilmember Willie Lewis)

Resolution No. 990225-68 approved

Items 69 through 70 pulled for discussion.

71. Direct the City Manager to explore funding of the Fair Campaign Fund by adding a voluntary check-off on City utility bills, as referenced in Section 2-9-32 of the Code, and report back to the Council within 30 days. (Land Development Code Subcommittee) (Councilmember William Spelman and mayor Pro Tem Jackie Goodman)

Approved

Items 72 through 108 are zoning items.

109. Consider settlement proposal in *Ethel Spiller, et al. v. Robert M. Walker, et al.*, Cause No. A 98 CA 255 SS, in the United States District Court for the Western District of Texas. (This litigation involves plaintiffs' request for an environmental study of the Longhorn Pipeline Project)

Approved

110. Airport Advisory Board - BRAD ELLIS (REAPPOINTMENT-COUNCIL MEMBER GARCIA)
Human Rights Commission – NEAL WALTON (CONSENSUS)
Music Commission - KRISTEN A. NAGEL (COUNCIL MEMBER GRIFFITH); KEVIN CONNOR
(MAYOR WATSON)
Approved

DISCUSSION AGENDA

19. Approve a resolution authorizing execution of a construction contract with AUSTIN FILTER SYSTEMS, INC., Austin, Texas, for water line construction on the Anderson Mill Transmission Main, Phase III, in the amount of \$997,736. (Funding is available in the 1995-96 Amended Capital Budget of the Water and Wastewater Utility.) Low bid of five. 15.84% MBE, 4.03% WBE Subcontracting participation. (Recommended by Water and Wastewater Commission)
Resolution No. 990225-19 approved on Council Member Lewis' motion, Council Member Garcia's second by a 7-0 vote.

EXECUTIVE SESSION WAS CONTINUED AT 2:45 P.M. ON COUNCIL MEMBER GARCIA'S MOTION, COUNCIL MEMBER LEWIS' SECOND BY 6-0 VOTE. COUNCIL MEMBER SPELMAN WAS OFF THE DAIS. EXECUTIVE SESSION ENDED AT 4:00 P.M.

17. Amend ordinance 980409-K to authorize an increase in the reimbursement amount by \$61,468 for a total amount not to exceed \$240,468 under the Cost Reimbursement Agreement Regarding the Construction of Wastewater Improvements For Motorola Parker Lane Campus with Faison Stone, Inc., increasing the waiver of water and wastewater capital recovery fees by \$58,440 for a total waiver of \$225,440; waiving certain requirements required under Section 13-3A-18(b) and Section 13-3A-18(c) of the City Code relating to the waiver of capital recovery fees; waiving the requirements under Section 13-3-6 of the City Code relating to the payment of tap and other connection fees, authorizing the repayment of tap and wastewater connection inspection fees in the amount of \$4,677; and waiving the requirements of Section 13-1-981 of the City Code relating to notice and public hearings. (Funding in the amount of \$61,468 was included in the 1998-99 Amended Capital Budget of the Water and Wastewater Utility.) [Recommended by Water and Wastewater Commission with no majority vote.]
This item was postponed two weeks on Council Member Spelman's motion, Council Member Griffith's second by a 6-0 vote. Council Member Slusher off the dais.

THE COUNCIL MEETING WAS RECESSED AT 4:01 P.M. THE AUSTIN HOUSING FINANCE CORPORATION MEETING WAS CALLED TO ORDER ON COUNCIL MEMBER LEWIS' MOTION, COUNCIL MEMBER SPELMAN'S SECOND BY A 6-0 VOTE. COUNCIL MEMBER GARCIA WAS OFF THE DAIS.

3:30 P.M. – BOARD OF DIRECTOR'S MEETING OF AUSTIN HOUSING FINANCE CORPORATION

A Board meeting of the Austin Housing Finance Corporation (AHFC) was conducted. Items 63 and 64 are the AHFC items to be considered by the Austin Housing Finance Corporation's Board of Directors.

63. Approve a resolution authorizing the negotiation and execution of a Community Development Block Grant (CDBG) Housing Implementation Program (HIP) deferred-payment forgivable loan in the amount not to exceed \$100,000 to the Guadalupe Neighborhood Development Corporation (GNDC)

for the acquisition of 907 Spence, 1100 and 1102 East 10th Streets, and 1103 Clemont. (Funding is available from the FY 1998-99 Austin Housing Finance Corporation budget.)

Resolution No. 990225-63 approved on Board Member Garcia's motion, Board Member Lewis' second by a 7-0 vote.

64. Approve a resolution authorizing the negotiation and execution of a deferred-payment forgivable loan to the PUSH UP FOUNDATION in an amount not to exceed \$625,000 for the acquisition of a 50-unit transitional housing facility for homeless men located at 1711 East Cesar Chavez Street. (Funding is available in the 1998-99 Budget of the Austin Housing Finance Corporation.)

Motion to postpone for one week to March 3, 1999 on Board Member Garcia's motion, Board Member Spelman's second by a 7-0 vote

THE REGULAR COUNCIL MEETING WAS BACK IN SESSION AT 4:14 P.M.

30. Approve a resolution authorizing execution of a contract with HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASE PROGRAM (H-GAC), Houston, Texas, for purchase of one hundred eleven replacement and twenty additional various light duty trucks, sedans, vans, and utility vehicles in the amount of \$3,299,984.04. (Funding in the amount of \$1,432,693.72 was included in the 1998-99 Vehicle Acquisition Fund. \$390,663.20 was included in the 1998-99 Operating Budgets of various City departments. \$190,754.28 is available from the 1998 Local Law Enforcement Block Grant. \$465,152.55 was included in the 1998-99 Capital Budget of the Electric Utility Department. \$502,191.46 was included in the 1998-99 Capital Budget of the Water and Wastewater Utility Department. \$327,528.23 was included in the 1998-99 Capital Budget of the Watershed Protection Department.)

Resolution No. 990225-30 approved on Council Member Lewis' motion, Council Member Garcia's second by a 7-0 vote.

31. Approve a resolution authorizing execution of a twelve month supply agreement with FLEX-O-LIGHT, Chesterfield, MO., for the purchase of traffic cones, for the Water and Wastewater Utility in an amount not to exceed \$76,430.25 with two twelve-month extension options in an amount not to exceed \$76,430.25 per extension option for a total contract amount not to exceed \$229,290.75. (Funding in the amount of \$50,953.50 was included in the FY 1998-1999 Operating Budget of the Water & Wastewater Utility. Funding for the remaining four (4) months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of six. No W/MBE Subcontracting participation. (Recommended by Water and Wastewater Commission)

Resolution No. 990225-31 approved on Council Member Lewis' motion, Council Member Spelman's second by a 7-0 vote.

Items 39 and 40 postponed for one week to March 4, 1999 on Council Member Spelman's motion, Council Member Garcia's second and passed by a 7-0 vote.

39. Amend Ordinance 980915-A, the 1998-99 Operating Budget, by increasing the appropriation for the Health and Human Services Department, Social Services Contracts \$68,025 and by reducing the

General Fund Contingency Reserve by \$68,025, in order to fund Amendment No. 2 to the 1998-99 Interlocal Agreement with Travis County for Social Services Contract for Travis County to increase its contract with the American Institute for Learning to implement a pilot program for Advanced Career Internships that can help youth ages 16-21 identify work. (Funding to be appropriated from the General Fund, Contingency Reserve, and is available in the 1998-99 Amended Operating Budget for the Health and Human Services Department.)

This item was postponed.

40. Approve a resolution authorizing the negotiation and execution of Amendment No. 2 to the 1998-99 Interlocal Agreement with Travis County for Social Services Contract in the amount of \$68,025, for Travis County to increase its contract with the American Institute for Learning to implement a pilot program for Advanced Career Internships that can help youth ages 16-21 identify work opportunities, thus increasing the total amount of the Interlocal Agreement to \$6,055,466. (Funding to be appropriated from General Fund, Contingency Reserve, and is available in the 1998-99 Amended Operating Budget for the Health and Human Services Department.)

This item was postponed.

41. Approve a resolution authorizing the City Manager or his designee to negotiate and enter into a two-year agreement with the AUSTIN FIRST STEP CORPORATION, a Texas non-profit corporation ("Corporation") under which the Corporation will administer and manage the First Step Community Fund ("Fund") and the City will provide an amount not to exceed \$710,000 for the Fund over the two-year term. (The total amount of money to be transferred to the Fund is \$710,000 and shall be distributed as follows: \$410,000 during the first year of the agreement, and \$300,000 during the second year of the agreement.)

Resolution No. 990225-41 approved on Council Member Lewis' motion, Council Member Garcia's second by a 7-0 vote.

42. Approve a resolution authorizing the second amendment to the School District Land Development Standards Agreement with the Austin Independent School District regarding the development standards to be applied to school district facilities.

Motion to postpone to March 11, 1999 so that City staff and AISD staff meet with the Austin Neighborhood Council on March 10, 1999 on Mayor Pro Tem Goodman's motion, Councilmember Slusher's second by a 7-0 vote.

ALL OF THE FOLLOWING ITEMS WERE ACTED UPON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION OCCURRED ON ANY OF THE ITEMS. THE FOLLOWING CONSENT ITEMS ON THE ZONING HEARINGS WERE APPROVED ON COUNCIL MEMBER GARCIA'S MOTION, MAYOR PRO TEM GOODMAN'S SECOND BY A 7-0 VOTE.

4:30 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

72. To set a public hearing on a request to consider a waiver from the minimum separation distance requirement of City Code Section 8-3-4, between a proposed gas station/convenience store (Exxon Tiger Market) located at 6707 Cameron Road which intends to sell alcoholic beverages and a public

school (Reagan High School). Case No.: SP-98-0470AW. Applicant: Exxon Company USA; Agent: Wallace Group (Christopher M. Ruiz); City Staff: Susan Walker, 499-2202. (Suggested date and time: March 25, 1999 at 7:30 p.m.)

Resolution No. 990225-72 approved

73. To set a public hearing to consider an appeal of the Sign Review Board's decision to deny a variance request to install a freestanding sign exceeding: 1) the maximum allowable sign area requirement of Section 13-2-867 from 177.52 square feet to 360 square feet, and 2) the maximum allowable sign height requirement of Section 13-2-867 from 35 feet to 60 feet in height, in a "CS", General Commercial Services district (Expressway Corridor sign district) for Austin Eye Clinic located at 1015 East 40th Street. Case No.: C16-98-036. Applicant: Michael Wong. City Staff: Connie Buckner, 499-2206. (Suggested date and time: April 1, 1999 at 6:00 p.m.)
Resolution No. 990225-73 approved

74. C14-85-288.45 – Public hearing to amend Chapter 13-2 of the Austin City Code by amending a restrictive covenant for property locally known as 8435-8737 State Highway 71 West. Planning Commission Recommendation: To approve the amendment to the restrictive covenant. Applicant: William Schultz; Agent: Carson Planners (William T. Carson); City Staff: Susan Villarreal, 499-6319.
Approved

75. C814-91-0001 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as Little Texas Lane and IH-35 South from "PUD", Planned Unit Development to "PUD", Planned Unit Development. Planning Commission Recommendation: To Grant PUD, Planned Unit Development district zoning with conditions. Applicant: Cohen-Emmett Joint Venture (Cal Donsky); Agent: Minter, Joseph and Thornhill (John M. Joseph). City Staff: Joe Arriaga, 499-2308.
Approved first reading only

76. C14-98-0056 – Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 2751B East State Highway 71 from "I-RR" Interim-Rural Residence district to "GR", Community Commercial zoning district. Planning Commission Recommendation: To Grant "GR", Community Commercial zoning district with conditions. Applicant: Austin Airport, L.C. (Mike Voticky); Agent: Crocker Consultants (Sarah Crocker). City Staff: Susan Villarreal, 499-6319.
Ordinance No. 990225-76 approved

77. C14-98-0142 – Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 8204 to 8300 East U.S. Hwy. 290 from "I-RR", Interim Rural Residence, to "LI-CO", Limited Industrial-Conditional Overlay. Planning Commission Recommendation: To grant "LI-CO", Limited Industrial-Conditional Overlay district zoning with conditions. Applicant: Land Answers (Jim Whitliff); City Staff: Susan Villarreal, 499-6319.
Ordinance No. 990225-77 approved

Item 78 was pulled for discussion.

79. C14-98-0193 – Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 800 feet East of West Parmer Lane at Spectrum Drive from "P", Public District to "MF-3", Multifamily Residence for Tracts 1, 2, & 3 and "GR-MU", Community Commercial, Mixed Use

for Tract 4. Planning Commission Recommendation: To Grant "MF-3", Multifamily Residence district zoning for Tracts 1,2, & 3 and "GR-MU", Community Commercial-Mixed Use district zoning for Tract 4. Applicant: Davis Springs Properties, Ltd. (Fred G. Epright); Agent: Huffcutt & Associates (Gina Diehl). City Staff: David Wahlgren, 499-6455.

Ordinance No. 990225-79 approved

80. C14-98-0198 – Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 13175 Research Boulevard from "I-RR", Interim Rural Residence to "GR", Community Commercial zoning district. Planning Commission Recommendation: To Grant "GR-CO", Community Commercial-Conditional Overlay district zoning with conditions. Applicant: Woods Maderas, Ltd (Mark Woods); Agent: Griffin Engineering Group, Ltd. (Gregory Griffin, P.E.). City Staff: David Wahlgren, 499-6455.

Ordinance No. 990225-80 approved

81. C14-98-0202: Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 105 East 38th Street from "MF-3", Multi Family Residence (Medium Density) to "NO-MU", Neighborhood Office–Mixed Use district. Planning Commission Recommendation: To Grant "NO-MU", Neighborhood Office– Mixed Use district zoning. Applicant: John Neal. Agent: Jim Bennett. City Staff: Don Perryman, 499-2786.

Postponed to March 11, 1999, at the neighborhood's request. The applicant is in agreement.

Council Member Spelman abstained.

82. C14-98-0208 - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 5815 West Williams Cannon Drive from "LO", Limited Office to "GO", General Office. Planning Commission Recommendation: To Grant GO-CO, General Office-Conditional Overlay district zoning with conditions. Applicant: L.P. Endeavors Ltd. (Dr. Leo Cormier); Agent: ATS Engineering (Andrew Evans). City Staff: Joe Arriaga, 499-2308.

Approved first reading only

83. C14-98-0213 - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 2015 Monarch Drive from "SF-2", Single Family Residence (standard lot) to "LO", Limited Office. Planning Commission Recommendation: To Grant LO-CO, Limited Office-Conditional Overlay district zoning with conditions. Applicant: D.L. West; Agent: The Howell Company (Bill Howell). City Staff: Joe Arriaga, 499-2308.

Ordinance No. 990225-83 approved

84. C14-98-0223 – Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as Covered Bridge Drive and Highway 71 from "MF-1", Multifamily Residence (Limited Density) to "GR-CO", Community Commercial-Conditional Overlay zoning district with conditions. Planning Commission Recommendation: To Grant "GR-CO", Community Commercial-Conditional Overlay district zoning with conditions. Applicant: William D. Schultz; Agent: Conley Engineering (Carl Conley). City Staff: Susan Villarreal, 499-6319.

Ordinance No. 990225-84 approved

85. C14-98-0229 – Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 12131 Roxie Drive from "I-SF-2", Interim-Single-Family Residence (Standard Lot) zoning district to "GR", Community Commercial zoning district. Planning Commission

Recommendation: To Grant "GR-CO", Community Commercial-Conditional Overlay zoning district with conditions. Applicant: Balcones European Motors (Patrick B. Jacks). City Staff: David Wahlgren, 499-6455.

Ordinance No. 990225-85 approved

86. C14-98-0231 - Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 8990 Research Boulevard from "LI", Limited Industrial to "CS-1", Commercial-Liquor Sales. Planning Commission Recommendation: To Grant "CS-1-CO", Commercial Liquor Sales-Conditional Overlay district zoning with conditions. Applicant: 8990 Research, LLC (David Petrick). Agent: Powers Engineering Group, Inc. (Forrest Powers). City Staff: Don Perryman, 499-2786.

Approved first reading only

87. C14-98-0237 – Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as Lyndhurst Street from "I-RR", Interim-Rural Residence zoning district to "MF-3", Multifamily Residence (Medium Density) zoning district. Planning Commission Recommendation: To Grant "MF-3-CO", Multi-family Residence (Medium Density)-Conditional Overlay district zoning with conditions. Applicant: Down to Earth Holdings (Jim Melton); Agent: Conley Engineering, Inc. (Carl Conley). City Staff: David Wahlgren, 499-6455.

Approved first reading only

88. C14-98-0242 – Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 2807 and 2753 Bee Caves Road from "SF-2", Single Family Residence, to "MF-3-CO", Multifamily Residence (Medium Density)-Conditional Overlay with conditions zoning district. Planning Commission Recommendation: To Grant "MF-3-CO", Multifamily Residence (Medium Density)-Conditional Overlay district zoning with conditions. Applicant: American Retirement Corporation, Inc.; Agent: Lopez-Phelps, Vaughn & Associates, Inc. (Amelia Phelps). City Staff: Susan Villarreal, 499-6319.

Ordinance No. 990225-88 approved

89. C14-98-0244 – Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 901 & 903 West Oltorf Street from "LO", Limited Office zoning district to "LO-MU", Limited Office-Mixed Use zoning district. Planning Commission Recommendation: To Grant "LO-MU-CO", Limited Office-Mixed Use-Condition Overlay district zoning with conditions. Applicant: Dagmar Grieder. City Staff: Susan Villarreal, 499-6319.

Ordinance No. 990225-89 approved

90. C14-98-0246 – Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 3100 Manchaca Road from "SF-3", Family Residence zoning district to "GR", Community Commercial and "LO", Limited Office zoning district. Planning Commission Recommendation: To Grant "LO-CO", Limited Office-Conditional Overlay zoning district with conditions. Applicant: South Oaks Partnership (Michael McCann); Agent: McCann & Associates (Michael McCann). City Staff: Susan Villarreal, 499-6319.

Approved first reading only

91. C14-99-0008 – Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as Northwest corner of Metric Boulevard and West Parmer Lane from "GR", Community Commercial zoning district to "GR", Community Commercial zoning district. Planning

Commission Recommendation: To Grant "GR-CO", Community Commercial-Conditional Overlay district zoning with conditions. Applicant: Blake McGee Company (Blake McGee); Agent: Graves, Dougherty, Hearon & Moody (Ann E. Vanderburg). City Staff: David Wahlgren, 499-6455.

Ordinance No. 990225-91 approved

ZONING DISCUSSION ITEMS

78. C14-98-0146 – Public hearing to amend Chapter 13-2 of the Austin City Code by rezoning property locally known as 12602 Blackfoot Trail from "SF-1", Single Family Residence (Large Lot), to "GR", Community Commercial zoning district. Planning Commission Recommendation: To Grant "SF-2", Single Family Residence (Standard Lot) zoning district on Tract 1 and "GR-CO", Community Commercial Zoning district on Tract 2, with conditions. Applicant: Abraham Birgani; Agent: I. T. Gonzalez. City Staff: David Wahlgren, 499-6455. Note: A valid petition has been filed in opposition to this rezoning request.

The public hearing was closed on Council Member Slusher's motion, Council Member Garcia's second by a 6-0 vote. Mayor Watson off the dais.

The motion was to approve first reading only with a zoning change on tract one to SF2 and Tract 2 NO. An amendment of adding a 6 foot fence, was made by Council Member Slusher, Council Member Spelman's second and passed on a 7-0 vote.

55. Approve an ordinance amending Ordinance No. 980716-F, as amended by Ordinance No. 990114-L, by extending the prohibition on the acceptance of applications for permits or the issuance of permits, for replacement of off-premise signs under City Code Section 13-2-854(b) within the City of Austin's planning jurisdiction from February 27, 1999 to March 27, 1999; and declaring an emergency.

Public hearing was previously closed but a motion to suspend the rules to allow five minutes of speaking for each of the three groups involved was made on Council Member Slusher's motion, Council Member Garcia's second with a 6-0 vote. Council Member Lewis was off the dais.

Ordinance No. 990225-55 was approved with an amendment of changing the date from midnight March 27, 1999 to midnight March 15, 1999 on Council Member Spelman's motion, Mayor Pro Tem Goodman's second by a 6-1 vote. Council Member Lewis voting "NO".

57. Approve an ordinance amending Chapter 13-2 of the City Code to amend Article VII: Sign Regulations, as it relates to off-premise non-conforming signs (Billboards). City Staff: Gregory Guernsey, 499-2387.

Ordinance No. 990225-57 approved staff recommendation dated February 25, 1999 (12:47 p.m.) with the following changes: 1) To create a new Part 1 and move the other parts down by one number and to add a "Findings Statement" that addresses Council's purpose for the ordinance being passed is for community aesthetics, public safety and have the effect of eliminating off-premise signs at some point in the future; 2) To change line 7 on page 2 of 3 from "...or replaced:" to "...or replaced only if:"; 3) to change line 9 on page 2 of 3 to delete the word "if"; 4) To change line 10 on page 2 of 3 to replace the reference from "30%" to "25%"; 5) The City manager is directed to do the following three things and bring these items back to Council in four weeks: A) Investigate and determine what is necessary for the City of Austin to obtain Texas Department of Transportation certification; B) To revise the 3 for 1 draft to require a conditional use permit; and C) To make a determination regarding

the legal constraints that may exist at the time of zoning changes so that there may be a change in zoning with regard to the signs,

A friendly amendment by Council Member Lewis to change on line 9 of page 2 of 3, 30% to 20%. The friendly amendment was not accepted by maker.

The motion was passed on Council Member Spelman's motion, Mayor Pro Tem Goodman's second by a 6-1 vote, Council Member Lewis voting "NO."

Items 61 and 62 were approved by a motion from Council Member Slusher, Councilmember Spelman's second on a 7-0 vote.

61. Consider an application for a limited adjustment under Chapter 13-7, Article I, Division 5 (Save Our Springs Ordinance) for development at Barton Springs Pool required by the Endangered Species Act 10(a) Permit for Operation and Maintenance of Barton Springs Pool as identified in the final Habitat Conservation Plan approved by the U.S. Fish & Wildlife Service and by the Americans With Disabilities (ADA). (Required improvements contained in the application to be funded through future Council action.)
Ordinance No. 990225-61 approved

62. Set a public hearing for consideration of a Phase II limited adjustment of the SOS Ordinance, pursuant to the Land Development Code, Section 13-1-305, for the Barton Springs Pool as required by the Endangered Species Act 10(a) Permit for Operation and Maintenance of Barton Springs Pool and identified in the final Habitat Conservation Plan approved by the U.S. Fish & Wildlife Service and by the Americans With Disabilities (ADA). (Required improvements contained in the application to be funded through future Council action.) [Suggested Date and Time: March 4, 1999 at 7:00 p.m.]
Resolution No. 990225-62 approved

Items 70a and 70b approved on Council Member Garcia's motion, Council Member Slusher's second by a 7-0 vote.

70. a. Approve a resolution adopting the Smart Growth Matrix and
Resolution No. 990225-70 approved adopting the Smart Growth Matrix.
- b. Approve an ordinance re-codifying the Land Development Code)Land Development Code Subcommittee)
Ordinance No. 990225-70 approved recodifying the LDC.
67. Authorize the City Manager to begin discussions with MexicArte about the status of its property. (Councilmember Gus Garcia)
Approved on Council Member Lewis' motion, Council Member Garcia's second by a 7-0 vote.
69. Approve a resolution with AISD regarding Community Education Initiatives. (Councilmember Gus Garcia and Mayor Pro Tem Jackie Goodman)
Resolution No. 990225-69 approved on Council Member Lewis' motion, Council Member Garcia's second by a 7-0 vote.

PUBLIC HEARINGS

92. 6:30 P.M. - Conduct a public hearing regarding a change in the street name for a portion of Havana Street to Limon Lane (from the intersection of Havana Street and South 4th Street southeasterly approximately 345 feet.) (Funding in the amount of \$100 for street sign cost is available in the 1998-99 Approved Operating Budget of the Department of Public Works and Transportation. The process fees are waived due to City of Austin/E911 initiation.)

The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Garcia's second by a 6-0 vote. Council Member Spelman off the dais.

94. Approve an ordinance regarding a change in the street name for a portion of Havana Street to Limon Lane (from the intersection of Havana Street and South 4th Street southeasterly approximately 345 feet.) (Funding in the amount of \$100 for street sign cost is available in the 1998-99 Approved Operating Budget of the Department of Public Works and Transportation. The process fees are waived due to City of Austin/E911 initiation.)

Ordinance No. 990225-94 approved on Council Member Garcia's motion, Council Member Lewis' motion by a 6-0 vote. Council Member Spelman off the dais.

93. 7:00 P.M. - Conduct a public hearing to consider revision of the Large Primary Service Tariff of the Electric Utility Department and to add a Coincident Load Special Contract Rider to the General Service-Demand Tariff.

The public hearing was closed on Council Member Garcia's motion, Council Member Lewis' second by a 6-0 vote. Council Member Spelman off the dais.

95. Amend Ordinance 970306-P (as amended by Ordinances 970925-0 and 981209-B) to revise the Large Primary Service Tariff of the Electric Utility Department and to add a Coincident Load Special Contract Rider to the General Service-Demand Tariff.

Pulled

49. C14-98-0138 –Approve an ordinance amending chapter 13-2 of the Austin City Code to property locally known as 2101 North Lamar Boulevard from “LO”, Limited Office to “MF-3”, Multi-Family Residence (medium density) district. Planning Commission Recommendation: To Grant “MF-3-CO”, Multi-Family Residence (medium density)-Conditional Overlay District zoning with conditions. Applicant/Agent: Ronald Scharfe. City Staff: Don Perryman, 499-2786. Note: A valid petition has been filed in opposition to this rezoning request. Public Hearing Closed. (continued from 2/4/99 and 2/11/99)

Approved first reading only to rezone property to SF-5 with amendments to add a wrought iron fence on the eastern side of the property and to include a sign that there will be no left turns between the hours of 7 a.m. to 7 p.m. The motion was approved by Council Member Slusher's motion. Mayor Watson's second by a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

26. Approve negotiation and execution of a 10 year contract with one five year extension option with BROWNING FERRIS INDUSTRIES (BFI) for landfill services based on a unit price of \$13.78 per ton and a thirty year contract with Texas Disposal Systems Landfill, Inc. based on a unit price varying from \$14.00 to \$15.75 per ton depending on annual volume, for an estimated amount of \$19,446,960 and \$33,721,935 for BFI and TDS respectively over the life of the thirty year contract. (Funding is available in the 1998-99 Operating Budget for Solid Waste Services and other user departments.) Best proposal of four. No WBE/MBE Subcontracting opportunities were identified.

Motion to suspend rules and allow BFI, TDS and Waste Management 10 minutes for discussion. The neighborhood was allowed 20 minutes on Council Member Garcia's motion and Council Member Slusher's second.

A friendly amendment was made by Council Member Spelman to allow WLMI the opportunity to make a 10 minute presentation. The maker and seconder agreed on the friendly amendment.

The rules to suspend and the friendly amendment were approved on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Spelman were off the dais.

A motion by Council Member Lewis to consider sending 100% of the solid waste collection to the TDS landfill without an increase in rate and to negotiate an agreement with TDS to create a north transfer station and prepare an interim plan for landfilling Austin's solid waste for the next 90 to 180 days. Mayor Pro Tem Goodman seconded the motion. No vote was taken.

Substitute motion by Council Member Garcia to go with contracts that are: 33% of the garbage goes to TDI for a 30 year period and 67.7% to BFI for five years with direction to the City Manager to assess a potential alternative and make a report back to the Council in the next 12 to 18 months. Mayor Watson seconded the motion.

A friendly amendment to the substitute motion was made by Council Member Griffith that we not eliminate any of the options that have been suggested. That the suggestion of 75/25 be researched and the motion that Council Member Lewis, made investigated as a viable option. The friendly amendment was not accepted by maker.

A friendly amendment to the substitute motion was made by Council Member Spelman to revisit the split and make a new decision as to what percentage goes to each of those places in 18 months. The friendly amendment was accepted by maker.

A friendly amendment to the substitute motion was made by Council Member Slusher to have the department implement the audit findings and/or respond to those findings that are not going to be implemented. In addition, staff should state that what will officially be done within 30 days, respond to the Solid Waste Task Force's Report within 30 days of official release, explore the possibility of transfer stations and, if it is not clearly delineated in the audit, report to Council on the transportation findings in that audit. The friendly amendment was accepted by maker.

A friendly amendment to the substitute motion was made by Mayor Pro Tem Goodman to consider five years for both or seven years for both considering that supposedly BFI has seven years left. The maker accepted seven years for BFI.

The substitute motion with the amendments, passed on a 5-2 vote. Council Members Griffith and Lewis voted "NO".

ADJOURNED at 11:15 p.m. on Council Member Slusher's motion, Mayor Pro Tem Goodman's second, 7-0 vote.

On this the 11th day of March, 1999 the minutes for the regular meetings of February 24th, 25th and March 4th were approved on Council Member Garcia's motion, Council Member Spelman's second by a 5-0 vote. Council Members Slusher and Griffith were off the dais.